

calendar year in the promotion and development fund. The county auditor *may* ~~[shall not]~~ audit disbursements from the fund *and* ~~[but]~~ shall be entitled to a monthly statement showing the:

- (1) date of each disbursement from the fund;
- (2) amount disbursed;
- (3) person or concern to whom disbursed; and
- (4) general purpose of each disbursement.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 11, 2001: Yeas 29, Nays 0, one present, not voting; passed the House on May 5, 2001: Yeas 140, Nays 0, two present, not voting.

Approved May 18, 2001.

Effective May 18, 2001.

CHAPTER 184

S.B. No. 1789

AN ACT

relating to the appointment of a public defender by the Commissioners Court of Randall County.

Be it enacted by the Legislature of the State of Texas:

SECTION I. Chapter 26, Code of Criminal Procedure, is amended by adding Article 26.053 to read as follows:

Art. 26.053. PUBLIC DEFENDER IN RANDALL COUNTY.

(a) The Commissioners Court of Randall County may appoint an attorney to serve as a public defender. The public defender serves at the pleasure of the commissioners court.

(b) To be eligible for appointment as a public defender, a person must be a member of the State Bar of Texas.

(c) With the approval of the commissioners court, the public defender may employ assistant public defenders, investigators, secretaries, and other necessary personnel. An assistant public defender must be a licensed attorney and may perform the duties of a public defender under this article.

(d) A public defender's office consists of the public defender and the personnel employed by the public defender under Subsection (c).

(e) A public defender is entitled to receive an annual salary in an amount set by the commissioners court. Subchapter B, Chapter 152, Local Government Code, applies to the compensation of personnel and the payment of office expenses in the public defender's office.

(f) Except as authorized by this article, a public defender or an assistant public defender may not:

- (1) engage in the private practice of law; or*
- (2) accept anything of value not authorized by this article for services rendered under this article.*

(g) The commissioners court may remove a public defender or an assistant public defender who violates Subsection (f).

(h) The public defender or an assistant public defender shall represent each indigent person who is:

(1) charged with a criminal offense in Randall County punishable by confinement or imprisonment;

(2) a minor who is a party to a juvenile delinquency proceeding in the county; or

(3) entitled to representation under:

(A) Chapter 462, Health and Safety Code; or

(B) Subtitle C or D, Title 7, Health and Safety Code.

(i) If at any stage of the proceeding the judge determines that a conflict of interest exists between the public defender and the indigent person, the judge may appoint another attorney to represent the person. The attorney must be licensed to practice law in this state and is entitled to the compensation provided by Article 26.05.

(j) The public defender's office shall investigate the financial condition of any person the public defender is appointed to represent. The public defender's office shall report the results of the investigation to the appointing judge. The judge may hold a hearing to determine if the person is indigent and entitled to representation under this article.

(k) Except for the provisions relating to daily appearance fees, Article 26.05 applies to the public defender and an assistant public defender.

(l) The commissioners court may accept gifts and grants from any source to finance an adequate and effective public defender program.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Passed the Senate on April 26, 2001: Yeas 30, Nays 0, one present, not voting; passed the House on May 5, 2001: Yeas 140, Nays 0, two present, not voting.

Approved May 18, 2001.

Effective May 18, 2001.

CHAPTER 185

S.B. No. 134

AN ACT

relating to the authority of a commissioners court of a county to make payroll deductions at the request of a county employee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 155.001, Local Government Code, is amended to read as follows:

Sec. 155.001. DEDUCTIONS AUTHORIZED IN COUNTIES; PURPOSES. (a) The commissioners court, on the request of a county employee, may authorize a payroll deduction to be made from the employee's wages or salary for:

(1) payment to a credit union;

(2) []

~~[(b) In a county with a population of 20,000 or more, the commissioners court, on the request of a county employee, may authorize a payroll deduction to be made from the employee's wages or salary for:~~

~~[(4)]~~ payment of membership dues in a labor union or a bona fide employees association;

(3) ~~[(2)]~~ payment of fees for parking in a county-owned facility; or